10-17-01 GP #1647

Express Mail Label No.: EK828542649US
Date of Deposit: October 17, 2001

PATENT APPLICATION
Attorney Docket No. 15966-557 (Cura-57)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS :	Shimkets and Prayaga		
SERIAL NUMBER :	09/494,585	EXAMINER :	Christine Saoud
FILING DATE :	January 31, 2000	ART UNIT :	1647
FOR :	NOVEL FIBROBLAST GROWTH FACTOR AND NUCLEIC ACIDS ENCODING SAME		

Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

☒ Preliminary Amendment and Response to Restriction (5 pages);

☒ Return Postcard.

This response to the September 17, 2001, Restriction Requirement is due on or before October 17, 2001, without extension. No fee is believed due at this time. Should any fee be due, the Commissioner is hereby authorized to charge the fee, or credit any overpayment, to Deposit Account No. 50-0311, Reference No. 15966-557 (CURA-57). A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529
Kristin E. Konzak, Reg. No. 44,848
Attorney/Agent for Applicant
c/o MINTZ, LEVIN, COHN, FERRIS
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
Fax: (617) 542-2241

DATE: October 17, 2001

Express Mail Label No.: EK[illegible]8542649US
Date of Deposit: October 17, 2001

PATENT APPLICATION
Attorney Docket No. 15966-557 (Cura-57)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS :	Shimkets and Prayaga		
SERIAL NUMBER	09/494,585	EXAMINER	Christine Saoud
FILING DATE	January 31, 2000	ART UNIT	1647
FOR	NOVEL FIBROBLAST GROWTH FACTOR AND NUCLEIC ACIDS ENCODING SAME		

Assistant Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT AND RESPONSE TO RESTRICTION

This is in response to the Notice of Restriction Requirement mailed September 17, 2001 ("Restriction Requirement") in the above-identified application. This response is due on or before October 17, 2001, without extension.

Prior to examination of the above-identified patent application, please amend the application as set forth below and consider the following remarks.

In the claims:

Cancel claims 11 - 13, 15 - 18 and 22 -27 as relating to non-elected subject matter. Amend claims 14, 19 and 21 as follows:

14. (Amended) A method of producing an isolated FGF-CX polypeptide at least 80% identical to a polypeptide of SEQ ID NO:2, said method comprising the step of culturing the host cell of claim 10 under conditions in which the nucleic acid molecule is expressed.

19. (Amended) A pharmaceutical composition comprising a therapeutically or prophylactically effective amount of the nucleic acid of claim 1, and a pharmaceutically acceptable carrier.

21. (Amended) The use of a therapeutic in the manufacture of a medicament for treating a syndrome associated with a human disease, the disease selected from a proliferative